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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,365	12/06/2005	Chek Lon Yang	10873.1729USWO	3627
52835	7590	06/23/2008	EXAMINER	
HAMRE, SCHUMANN, MUELLER & LARSON, P.C. P.O. BOX 2902 MINNEAPOLIS, MN 55402-0902			DANEGA, RENEE A	
		ART UNIT	PAPER NUMBER	
		3736		
		MAIL DATE	DELIVERY MODE	
		06/23/2008	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/559,365	YANG, CHEK LON	
	<b>Examiner</b>	<b>Art Unit</b>	
	RENEE DANEGA	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 December 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/6/05</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams (US 4112944).

- Regarding claim 1, Williams teaches a medical holder for assisting in operation of puncturing a flexible tube comprising first and second holding members (54) (56) that can be engaged with each other and can hold a flexible tube (52) between the first and second holding member when they are engaged with each other (Figure 8).
- Regarding claim 2, Williams teaches a curved-surface portion formed to fit the tube in an engaging side region of the second holding member (62) and a pressing portion (84) in a protrusion shape in the engaging side region of the first holding member such that the flexible tube is able to be held by being pressed by the curved surface and the pressing portion (Figures 7, 8, 9).
- Regarding claim 3, Williams teaches the first and second members to be formed integrally and joined with a bendable hinge portion (58) (Figure 8).

- Regarding claim 4, Williams teaches a protrusion (70) formed in at least one of the first holding member and second holding member and a recess (68) in which the protrusion fits to engage first and second holding members (Figures 7-8).
- Regarding claim 5, Williams teaches the medical holder to further comprise a tubular adaptor (80) that is formed so that one end is open (82) and the other end (76) can be joined to the hole through which the flexible tube is punctured wherein the adaptor is provided with a puncture needle (78) (Figures 8-9).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams as applied to claim 5 above, and further in view of Lynn (US 5114400).

- Regarding claim 6, Williams doesn't teach the hole through which the tube is puncture to have a groove and the adaptor to have a protrusion to fit the groove. However, Lynn teaches a device for puncturing a tube in which the adaptor has a protrusion (110) and the hole has a groove (100) to fit the protrusion (Figure 4). It would have been obvious in view of Lynn to

provide a groove and protrusion connection in Williams' device in order to allow for connection and disconnection of the adaptor.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams as applied to claim 5 above, and further in view of Kraus et al. (US 6193675).

- Regarding claim 7, Williams doesn't teach the adaptor formed so that a vacuum blood-collecting vessel can be inserted and a second puncture needle for puncturing the vessel to be attached to the adaptor in communication with the puncture needle. However, Kraus teaches a device for puncturing a tube in which a vacuum blood collecting vessel can be inserted (62) and a second puncture needle (54) for puncturing the vessel is attached inside the adaptor in communication with a puncture needle (52) (Figure 2B, 2C). It would have been obvious in view of Kraus to enable a vacuum blood-collecting vessel to be attached to the adaptor in Williams' device in order to enable the device to take samples as well as deliver substances.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RENEE DANEGA whose telephone number is (571)270-3639. The examiner can normally be reached on Monday through Thursday 7:30-5:00 eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RAD

/Max Hindenburg/  
Supervisory Patent Examiner, Art Unit 3736